

Message Text

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FM AMEMBASSY SANTO DOMINGO

TO SECSTATE WASHDC 0567

C O N F I D E N T I A L SANTO DOMINGO 2159

E.O. 11652: GDS

TAGS: PFOR

SUBJECT: OPPOSITION PRESENTS LEGAL CHALLENGE TO REELECTION

1. ON MAY 23, THE SANTIAGO ACCORD PARTIES FORMALLY FILED A 15-PAGE CHALLENGE OF THE MAY 16 ELECTIONS WITH THE CENTRAL ELECTORAL BOARD (JCE) IN WHICH THEY DEMANDED THAT THE ELECTIONS BE VOIDED AND THAT NEW ELECTIONS BE HELD. THEY BASED THEIR CASE FOR A A NULLIFICATION OF THE ELECTIONS ON THE FOLLOWING ALLEGED GROUNDS: A) A LEGAL CHALLENGE OF THE QUALIFICATIONS OF THE THREE MEMBERS OF THE JCE MADE BY THE ACCORD ON MAY 14 HAD BEEN IGNORED; B) THE JCE HAD OPENLY ACTED IN FAVOR OF PRESIDENT BALAGUER'S PARTIDO REFORMISTA; C) THE RIGHT OF FREE TRANSIT HAD BEEN DENIED THE OPPOSITION; D) THE EXILED VICE PRESIDENTIAL CANDIDATE OF THE ACCORD, EX-GENERAL ELIAS WESSIN Y WESSIN, HAD BEEN DENIED PERMISSION BY PRESIDENT BALAGUER TO REENTER THE COUNTRY TO CAMPAIGN, YET THE JCE HAD NOT DEMANDED HIS RETURN, AS IT SHOULD HAVE DONE; E) THE BALLOTS OF THE ACCORD SHOULD NOT HAVE BEEN REMOVED FROM THE POLLING PLACES -- ALTHOUGH THE ACCORD FORMALLY WITHDREW FROM THE CAMPAIGN, ITS INDIVIDUAL CANDIDATES DID NOT WITHDRAW, THEREFORE, THE REMOVAL OF THE OPPOSITION BALLOTS WAS ILLEGAL; F) INSUFFICIENT PROTECTION WAS OFFERED TO ACCORD CANDIDATES AND PARTY HEADQUARTERS; G) THE JCE FAILED TO HOLD PUBLIC DISCUSSION OF ITS CONTROVERSIAL RULING OF MAY 14 WHICH MODIFIED THE ELECTORAL LAW BY ALLOWING VOTERS

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TO CAST BALLOTS AT POLLING PLACES OTHER THAN WHERE THEY

WERE REGISTERED; H) THE JCE PURPOSELY CONFUSED THE ELECTORATE BY THE COLORS IT ASSIGNED TO THE VARIOUS PARTIES' BALLOTS; I) THE JCE ILLEGALLY TOOK ON LEGISLATIVE BRANCH POWERS WHEN IT MODIFIED THE LAWS ON MAY 14 (SEE G. ABOVE); J) THE MILITARY OPENLY DISPLAYED ITS BALAGUER PARTISANSHIP AND THE JCE TOOK NO EFFECTIVE MEASURES TO END THIS DISPLAY; AND K) BALAGUER, AS COMMANDER-IN-CHIEF OF THE ARMED FORCES, ILLEGALLY RAN FOR THE PRESIDENCY -- AS A "MILITARY LEADER" HE SHOULD HAVE RESIGNED THE PRESIDENCY ONE YEAR PRIOR TO THE ELECTION TO BE ELIGIBLE TO RUN.

2. ACCORDING TO THE ACCORD CHALLENGE, THE ELECTION RESULTS WERE NOTHING LIKE WHAT HAD BEEN PORTRAYED BY THE PRESIDENT; IN FACT, THE ACCORD ASSERTED, THE PEOPLE HAD ROUNDLY REJECTED BALAGUER, OVER HALF HAVING ABSTAINED OR VOTED FOR THE OPPOSITION.

3. COMMENT. THE ACCORD, WHICH HAD PUBLICLY AND PRIVATELY ALLEGED MAJOR FRAUD ON THE PART OF THE GODR, WAS SURPRISINGLY IMPRECISE IN THE CHALLENGE PRESENTED TO THE JCE. THERE WERE NO SPECIFIC ALLEGATIONS OF BALLOT STUFFING, BUYING OF VOTES, USE OF FALSE DOCUMENTATION, AND NO ACCUSATION AS TO HOW MANY "FRAUDULENT" BALLOTS HAD BEEN CAST. MOREOVER, SOME OF THE REASONS FOR CHALLENGING THE RESULTS SEEM QUITE FARFETCHED, E.G., E) AND K). PARTIDO DE LA LIBERACION DOMINICANO (PLD) PRESIDENT, JUAN BOSCH, APPEARED TO HAVE CORRECTLY ASSESSED THE ACCORD CHALLENGE'S CHANCE OF SUCCESS, COMMENTING PUBLICLY THAT IT WAS QUITE FRUITLESS AS NO JUDGE IN THE COUNTRY, AND CERTAINLY NOT THE JCE, WOULD ANNUL THE ELECTIONS. MOREOVER, EVEN IN THE REMOTE EVENT THAT THEY WERE TO DO SO, THE BALAGUER REGIME CERTAINLY WOULD NOT ACCEPT SUCH A DECISION.

HURWITCH

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